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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,706	09/19/2005	Kuniharu Harada	3273-0214PUS1	7685
2292 7590 01/09/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
SERGENT, RADON A				
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE		DELIVERY MODE		
01/09/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10549706	9/19/2005	HARADA ET AL.	3273-0214PUS1

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

Rabon Sergent

ART UNIT	PAPER
1796	20090104

DATE MAILED:

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Commissioner for Patents

The amendment filed on September 30, 2008 amending all claims drawn to the elected invention to set forth only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The amended claims are not readable on the elected invention because applicants have amended all claims to change their scope from a composition to methods of using. The examined composition claims and newly amended methods of using claims are subject to restriction, because the respective claim sets lack unity of invention. As previously set forth, the combined teachings of WO 93/23490, Frisch, Jr. et al., and Yu et al. establish that the composition, as examined, lacks an inventive step. Furthermore, in view of amendments set forth for the first time within the response of September 30, 2008 requiring that component (A5) be the reaction product of a primary amine group containing alkoxy silane and a (meth)acrylate, Hansen et al. (US Patent 6,162,938) is now relied upon to establish that component (A5) was known to be useful as a component of silane functional polyurethanes. See column 2, lines 17-24. Accordingly, the position is taken that it would have been obvious to utilize this component within the teachings of WO 93/23490, in the same fashion as the disclosed reactants of Yu et al. Therefore, the combined teachings of WO 93/23490, Frisch, Jr. et al., Yu et al., and Hansen et al. establish that the composition of the claims lacks an inventive step, and lack of unity is established, because the composition is not a technical feature that defines a contribution over the prior art.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication should be directed to Rabon Sergent at telephone number (571) 272-1079.

/Rabon Sergent/
Primary Examiner, Art Unit 1796